

REMARKS/ARGUMENTS

Claims 1-15 are pending in the application. Claims 1, 7, and 12 are independent claims. Claims 1, 7, and 12-15 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,470,323 ("Suzuki"). Claims 2, 3, 6, 8, 9, and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Suzuki in view of U.S. Patent No. 6,101,486 ("Roberts"). Claims 4, 5, 10, and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Suzuki in view of "Presence: The Best Thing That Ever Happened To Voice" ("Presence"). Applicant respectfully submits that the rejections are moot in view of the foregoing amendments.

Suzuki discloses a goods sales management system in which a goods sales management apparatus 1 is coupled to plural customer processors 31 and 32 (col. 2, ll. 37-51). The system includes a goods sales process 11 or unit for selling goods via communication with the customer processors 31 and 32 (col. 2, ll. 52-54). The goods sales management apparatus "conventionally" receives a goods request from one or more of the customer processors (col. 4, ll. 53-59). When the inventory of requested goods is zero, a message is transmitted to the relevant ones of customer processors 31 and 32 (col. 5, ll. 1-7). The conditions or specifications describing goods that are not currently available are stored in a retrieval history memory (col. 5, ll. 16-18).

At some point in the future, goods corresponding to the characteristics of the unfilled order will arrive (col. 5, ll. 34-37). When this happens, user identification information may be accessed (col. 5, ll. 37-47). The user identification information is stored in the retrieval history memory and may include user identifiers for identifying users that transmitted the goods request (col. 4, ll. 27-28). Then, a merchandising notice sending process may send a

message to the relevant customer processor (col. 5, 52-62). The system may also send a notice whenever the newly arrived goods only partially match a previously unsatisfied request (*id.*).

Applicant has hereby amended the independent claims (*i.e.*, claims 1, 7, and 12) to recite that the shopper is provided with “an *option* to supply notification information” and that “*optionally supplied* notification information” is received by the server. Applicant respectfully submits that none of the cited references teaches or suggests providing a notification option as claimed.

Suzuki discloses that the merchandising notice sending process sends messages to the customer processors when previously out of stock goods become available. Suzuki does not teach or suggest that the messages are optional based on anything the customer did (or did not do) when purchasing the goods. By contrast, the claimed invention provides the customer with a mechanism by which the customer may elect to receive optional notifications of the occurrence of a triggering event.

Further, Suzuki merely discloses that messages are sent to the customer processors. Suzuki does not teach or suggest that messages may be sent via any other communication path. By contrast, the claimed invention enables the shopper to supply optional notification information representative of any communication pathway, including communication pathways that may be different from the communication pathway via which the customer processor is coupled to the server.

Moreover, because Suzuki discloses that messages are automatically sent, and only to the customer processors, one skilled in the art would not be motivated to modify the system of Suzuki to include optional notification or notification via other communication pathways

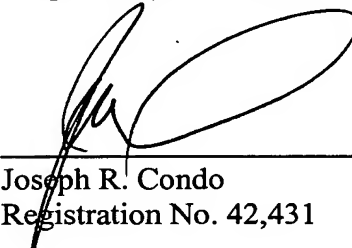
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as claimed. Applicant respectfully submits that neither Roberts nor Presence provides such motivation. That is, neither Roberts nor Presence teaches or suggests *optional* notification via customer identified communication pathways. Applicant respectfully submits, therefore, that the combined teachings of the cited references do not render the claimed invention obvious.

For all the foregoing reasons, Applicant respectfully submits that claims 1-15 patentably define over the teachings of the cited references. Applicant respectfully requests a Notice of Allowance for claims 1-15 at the Examiner's earliest convenience.

Respectfully submitted,



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